

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On 9-20-2005

TOWNSEND and TOWNSEND and CREW LLP

By:

  
Jennifer O'Brien



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

VAHID SAADAT et al.

Application No.: 10/824,936

Filed: April 14, 2004

For: METHODS AND APPARATUS  
FOR OBTAINING ENDOLUMINAL  
ACCESS

Examiner: Unassigned

Art Unit: 3731

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of reference are enclosed. Please note that text of Cite No. 14 is the English equivalent of foreign reference Cite No. 20. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

IFW

PATENT  
Attorney Docket No.: 021496-000700US

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

James M. Heslin  
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
JMH:tfw  
60589195 v1



PTO/SB/21 (09-04)

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/824,936

Filing Date

April 14, 2004

First Named Inventor

SAADAT, VAHID

Art Unit

3731

Examiner Name

Unassigned

Attorney Docket Number

021496-000700US

**ENCLOSURES** (Check all that apply)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                     | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Licensing-related Papers   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition to Convert to a Provisional Application                               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                                | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address                 | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                                | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                              | <input type="checkbox"/> Request for Refund   | Return Postcard   |
| <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____  | PTO/SB/08A & PTO/SB/08B   |
|   | <input type="checkbox"/> Landscape Table on CD  | 7 Reference Copies  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                   | <b>Remarks</b> The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |   |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application           |   |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53         |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

James M. Heslin

Date

September 19, 2005

Reg. No.

29,541

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

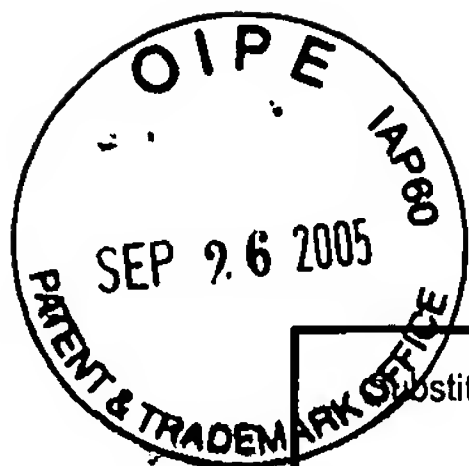
Signature

Typed or printed name

Jennifer O'Brien

Date

September 20, 2005



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/824,936
				Filing Date	April 14, 2004
				First Named Inventor	SAADAT, VAHID
				Art Unit	3731
				Examiner Name	Unassigned
Sheet	1	of	1	Attorney Docket Number	021496-000700US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	1	6,821,285 B2	11-23-2004	Laufer et al.	
	2	6,835,199 B2	12-28-2004	McGuckin, Jr. et al.	
	3	2004/0193117 A1	09-30-2004	Laufer et al.	
	4	2004/0193184 A1	09-30-2004	Laufer et al.	
	5	2004/0193193 A1	09-30-2004	Laufer et al.	
	6	2004/0193194 A1	09-30-2004	Laufer et al.	
	7	2004/0194790 A1	10-07-2004	Laufer et al.	
	8	2004/0210243 A1	10-21-2004	Gannoe et al.	
	9	2004/0215216 A1	10-28-2004	Gannoe et al.	
	10	2004/0243152 A1	12-02-2004	Taylor et al.	
	11	2004/0249362 A1	12-09-2004	Levine et al.	
	12	2005/0033320 A1	02-10-2005	McGuckin, Jr. et al.	
	13	2005/0033328 A1	02-10-2005	Laufer et al.	
	14	2005/0165272	07-28-2005	Okada et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	15	WO	02/060328	A1	08-08-2002	Rex Medical, Inc.		<input type="checkbox"/>
	16	WO	03/094785	A1	11-20-2003	Egan		<input type="checkbox"/>
	17	WO	2004/004542	A2	06-15-2004	Satiety, Inc.		<input type="checkbox"/>
	18	WO	2004/021894	A1	03-18-2004	Kelleher		<input type="checkbox"/>
	19	WO	2004/084808	A2	10-07-2004	The Research Foundation of State University of New York		<input type="checkbox"/>
	20	WO	2005/053517	A1	06-16-2005	Olympus Corp		<input checked="" type="checkbox"/>

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	21	MASON, "Development of Future of Gastroplasties for Morbid Obesity," Arch Surg, Vol. 138 (April 2003), pp. 362-366.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.